

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83990 of 2024

Arising Out of PS. Case No.-204 Year-2024 Thana- JALALPUR District- Saran

Nagi Manjhi @ Nagrain Manjhi @ Nagnarayan Manjhi S/o- Late Lalu Manjhi R/o Village- Kotheya P.S. Jalalpur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Avinash Kumar Pandey, Adv.

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

2 20-12-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Jalalpur P.S. Case No. 204 of 2024 registered for the offences punishable under Sections 30(a)/45 of the Bihar Excise and Prohibition Act, 2016 and Sections 191(2), 191(3), 190, 115(2), 118(1), 117(2), 125, 121(1), 121(2), 109, 132, 223, 351, 351(2) & (3), 324(4) and (5), 221 of the B.N.S.

3. The prosecution story, in short, is that on secret information, when police raided Daharu Manjhi's house and Laxman Manjhi's house, the accused persons attacked on police personnel with *lathi*, *danda*, *bricks* etc. due to which the police personnel sustained injuries. Thereafter, on search, total 25 liters



of illicit liquor was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner was not arrested on spot and his name has surfaced in this case in course of investigation. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has no concern with the alleged recovery of illicit liquor. There is no independent eye-witness to the alleged occurrence. The petitioner has five criminal antecedent of similar nature of offences as has been stated in paragraph no.3 of the present anticipatory bail application. There is a non-compliance of Section 103 of the B.N.S.S. which creates a serious doubt in the prosecution case.

5. Learned counsel for the petitioner further submits that the co-accused Bhola Manjhi has already been granted anticipatory bail by this Court vide order dated 11.12.2024 passed in Cr. Misc. No. 84904 of 2024.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

7. Considering the entire facts and circumstances of



the case as also there being five criminal antecedents of similar nature of offence against the petitioner, this Court is not inclined to grant privilege of anticipatory bail to the petitioner.

8. Accordingly, the prayer for anticipatory bail of the petitioner, above named, is rejected. If the petitioner surrenders before the court below within a period of four weeks from today and prays for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

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